

THE CITY WINS THE FIGHT.

The Gas Company Fails to Enjoin Them From Passing the Ordinance.

MORE ENTHUSIASM CALLED FOR. Prof. Pratt Tells What is Needed to Make the Festival a Success—

How a Designing Woman Broke Up a Home.

Judge Wakely's Decision.

Judge Wakely rendered an opinion in the suit brought by the Gas company to restrain the city from passing the gas ordinance.

The decision sets forth at length the nature of ordinance No. 130, by which the original franchise was given to the Gas company and the character of the repealing ordinance.

The passage of ordinance No. 130 and its acceptance by the company, followed by a large expenditure of money and the establishment of its works on the faith thereof, constituted a contract binding upon both parties, and neither party can, without sufficient reason abrogate or rescind, or rightfully refuse to perform any of such terms.

The right of the city council to repeal the ordinance entirely and to take from the gas company any rights lawfully granted to it does not exist, unless it has failed or failed to comply with any provision or provisions contained in it within the meaning and intent thereof, as fairly construed. And, upon elementary principles, the city as a party to the contract, cannot bind or construe the other party by its decision or determination that such party has violated the provisions of the ordinance and forfeited its rights thereunder to court even or tribunal of any kind can make a binding determination to that effect except "by due course of law," upon notice and hearing.

The recitals in the repealing ordinance, if passed, will therefore be ineffectual to establish the fact of the violation of ordinance 130, charged upon the gas company, or the right of the city to repeal it, and this right and the fact of any violation justifying the repeal may be contested in any proceeding in which the validity of the repealing ordinance may be relied on.

The recitals will be effective, as a declaration by the city through its mayor and council, as one of the contracting parties, that grounds exist entitling it to insist upon a forfeiture, and the ordinance will be deemed to have been declared to be void, and a declaration that the city does claim, and insists upon rights of forfeiture.

As the repealing ordinance, if passed, cannot take from the gas company any right or privilege vested in it by ordinance 130, unless grounds exist conferring the right of repeal, and, as it does not, by its terms, purport to authorize any disturbance of or interference with the possession or enjoyment by plaintiff of its property, or the exercise of its franchises, the enactment of the repealing ordinance cannot cause irreparable injury or be properly enjoined. The fears or apprehensions which may be excited thereby, or the effect, if any, which it may have upon stock in the company or by inducing disputes of its continued rights, are not proper grounds for the preventive remedy of injunction.

But, if attempts should follow such enactment, or if it be contemplated by the city authorities or officers, to seize, destroy, injure or interfere with plaintiff's property or franchises, under or because of the repealing ordinance, without a judicial determination that its rights have been forfeited, or that its property would be greatly different from those now presented in the petition and might be ample. Such acts if permitted might work irreparable injury to plaintiff, and the remedy of injunction might be the only adequate one.

The application for injunction must be denied and the restraining order heretofore allowed dissolved.

MORE ENTHUSIASM.

Prof. Pratt Tells What is Needed to Make the Festival a Success.

The next rehearsal of the chorus for the June festival will take place this afternoon and evening. The remaining time for drill is short and Prof. Pratt proposes to push the practice as rapidly as possible.

Mr. Pratt said at the rehearsal last Monday night: "Every man, woman and child in Omaha must be interested in the festival to make it a success, and," he added, "every one who has a voice and can sing should be here in this chorus."

It might also be said that all citizens are thoroughly in earnest in this matter and will want to know the reason why some of our singers are not doing their duty in this matter. The festival will do more for Omaha musically than all that the past years have accomplished, and will create an enthusiasm which will be our musical history. Those singers who from small and selfish motives stand in the way of this natural tide of success will be swept aside and left to nurse their regrets in the shadows of the natural lives. Mr. Pratt as a director stands without a superior in the United States. He made a success of the opera festival in Chicago, when every one predicted a failure. Success is inscribed on his banner and he travels 500 miles to drill the chorus. But the short time in which to prepare the works makes it imperative that there should be no absenteeism at any of the rehearsals. Every member must understand this and appreciate the opportunity of singing under the baton not only of a director of national repute, but of one who has already won works have achieved a fame in Europe as well as America.

Appropos of the above, Mr. Pratt has issued the following circular, which ought to be read by every local singer: To the Festival Chorus—

We are undertaking a task that might challenge the energies and resources of any of our enterprising citizens. We have now but eight weeks to accomplish what usually is allotted to an entire season. If you wish to gain the distinction of excelling the efforts of other cities, and assist your enterprising citizens who have undertaken this great festival in the interests of Omaha, both commercially and artistically, it is absolutely necessary to attend every rehearsal. Regularity in attendance is essential to success. You have the talent, the ability, and I will guarantee a success of which you will all be proud if you attend the rehearsals regularly. Our work is more, we cannot admit any new members; their coming now is an impediment to our progress. Those who have already joined constitute a magnificent body of singers. I understand the largest ever assembled in Omaha, and to these will be added those who come from Chicago. While I cannot admit any new members, those who have already joined have by so doing taken places which many others would have been glad to take, and should realize the responsibility they are under to attend punctually rehearsals, for each absentee is retarding the work and jeopardizing the success only achieved by regularity in attendance.

As the festival will present Handel's inspired oratorio of the "Messiah," Mendelssohn's "Hymn of Praise," and other numbers of a deeply religious character, the event appeals to all religious

bodies, regardless of sect, and ministers and laymen by sustaining this undertaking give a practical illustration of their desire to overcome evil with good. The people have become satiate with vulgar "horse play" performances at the theatres, and with frivolous musical farces, disgusting to moral sense, and offensive to musical taste. The pulpit is justly condemned these things; the opportunity is now given them to show their sincerity by heartily co-operating in making the festival a success, for if they all the noble, lofty and uplifting sentiments to take the place of the silly, trivial and demoralizing, they must encourage one as consistently as they denounce the other. This we have every reason to expect. The more so in that the festival will emphasize the religious fervor which the present revivals may awaken, and crown with inspired harmony the efforts of all earnest workers for the benefit of man, and the glory of God.

Expecting that all the chorus members will be present Monday afternoon and evening, and that the season will close in June will mark an epoch in our city's history, I remain, respectfully,

S. G. PIATT.

A Pointer.

No doubt property north of Hanscom park—as far west as 22d st. and north to Farnam—will be in great demand this season by parties who wish to build fine houses. Mr. C. E. Mayne, appreciating this fact, has been quietly getting possession of a great number of the nicest lots in that locality. He has secured the choicest locations and is now ready to offer them to his customers at surprisingly low figures. On George street, between 11th and Leavenworth and Farnam at \$1,800 each; on Colfax st., \$1,800 each; on Irving st., beautiful lots with the shade trees, \$2,500 each; on Leavenworth st., between Park ave. and Euclid, one block south of Leavenworth, \$1,700 to \$1,800 each; on Michigan and Euclid sts., \$1,800 each; on Virginia ave., \$1,800 each. Every one of the above lots will be worth \$2,500 to \$3,000 before next fall; therefore it will stand you in hand to get one now before the prices are raised. Mr. Mayne not only gives low prices but the very best of the lots. He has a choice of 15th and Farnam, and investigate for yourself.

A SAD STORY.

How a Happy Home Was Broken Up By a Designing Woman.

Mr. and Mrs. William Beecham are now in the city jail awaiting trial on a charge of disturbing the peace. Their story is a sad one, and if it be half true, there is one woman in this town who ought to be made to suffer for it. Beecham, who is supposed to have been the principal in the row for which the two were arrested, is a young man about 22 years of age. He came here to meet his wife, whom he supposed was leading a respectable life. He discovered that she was in the clutches of a proprietress of a den on Twelfth and Dodge streets, who had brought her to Omaha under false pretenses. He naturally insisted that his wife should be allowed to leave the place. Mrs. Florence Dulac, the keeper of the place, insisted that she should not go, and a row ensued, as a result of which both Beecham and his wife were arrested.

The story of his troubles, as told by Beecham, is a touching and interesting one. I met my wife when she was a little 17-year-old girl living in Chicago. Her name was Julia Orin. She had come to this country from France, with two of her sisters a couple of years before. I proposed marriage to her and she accepted me. We didn't want to live in Chicago, and so I determined to go out west and make a home for her, so that she could marry here. I went out near Waterbury, Dak. I got up a section of land and went to farming. I managed to get a good start, and got hold of some cattle, a good team of horses and a farming outfit. Then I married my wife. That was in May last. We lived happily together until March—last month—when Julia became restless. She wanted to visit her relatives. She had a sister who lived in Chicago, and I agreed to fix it so that she could visit her for a month or two. I sold my horses and a few other things, and took my wife and her sister to Chicago and money to buy her new clothes, a ticket to Chicago and other things, leaving her quite a sum to spend on the way, going and coming. She then went to Chicago, but she found that her sister had gone to France. My wife did not know what to do. She stayed in Chicago until all her money had given out, when she met this wretch, Florence Dulac, who first lured her to the den. The woman told her that she wanted a girl to come to Omaha and do domestic work at \$7 a week. Julia jumped at the offer. She was told that she would be treated nicely, but she was to be kept in the den, and she do but come? When she arrived in Omaha, she saw that she had been deceived. But she could not get away. The Dulac woman succeeded in getting her in debt all the time, and would not let her leave the house. As soon as I heard of the way Julia had been trapped I came at once to Omaha, and insisted that my wife should leave the place. I proposed marriage to her and she accepted me. I insisted that she should not remain there, and about 12 o'clock Friday night, we had a row about the matter for which she, you see, I and Julia were arrested.

The wife is a French girl, quite pretty and prepossessing and but 18 years of age. She was born in Paris, France. Beecham is an American, and seemingly a hard-working, honest and intelligent man.

"As soon as I can get this thing settled," he said, "concluding his story," "I shall return to my wife and she will take Julia to it. She is young yet and has never been in a sporting house before. It is not too late to save her. As for this designing woman, I shall make it warm for her here, and I shall break up my home and ruin my wife, and I shall sue her for heavy damages."

NEBRASKA AS IT IS.

The greatest advertising that has been given Nebraska by any private individual in the many years is that recently afforded it by C. E. Mayne. This gentleman has recently had printed 60,000 circulars of ten pages each, containing a description of every county in the state. These have been circulated throughout the country. The expense of this production has been enormous. The postage alone was over \$600, while the sheets used if extended lengthwise would reach from Omaha to Columbus. If placed side by side they would cover nearly twelve acres. These advertise Nebraska, a country which Mr. Mayne has property everywhere, especially in Omaha, where he has lots and houses so varied and ranging in price that he can accommodate any man who wants and at just what he is willing to pay for it.

ODDS AND ENDS.

Stray Leaves From the Reporters' Note Books.

Ted Sullivan, one of the best known base ball men in America, arrived in the city Saturday with his team, the Milwaukee. Sullivan is a sharp, shrewd and when he takes hold of a base ball enterprise always manages to boom it to success. He was for some time manager of the old St. Louis Browns, during their palmy days. In that capacity, he displayed a good deal of tact, and by his close attention to the men under his di-

rection, contributed largely to the success of the organization.

There is one point in which Sullivan is open to impeachment. He is unlike the father of his country, for once in a while—alack—he is known to tell a story. For instance, read the following description of a new pitcher, which he gave in a letter to a friend recently:

There is one man who arrived here today, from Wild Bear, Minnesota, and styles himself the Minnesota terror. He is a tall, thin, wiry fellow, with the shattering of three inch planks and the breaking of door knobs means anything. For the past ten days I have been deluged with letters from this individual, and among the many feats of speed he claimed to possess, such as knocking branches off a tree and the felling an ox at the distance of forty feet. From those Minchhausen stories I believed he was a genuine crank, but to my astonishment he came all the way to Milwaukee, introduced himself and asked me if I would not go to some gymnasium or building where he could show to my entire satisfaction that he could duplicate what he had been talking about. Three friends and myself went to the gymnasium with him. I gave him three league balls to select one from. We then measured fifty feet. We put up a two inch board. He started it as if it was a piece of paper rent by the wind, at the same time cutting the ball. We were indeed astonished. He said to me: "My friend, you must never be witnessed. If your accuracy equals your speed, you are indeed a wonder." He replied: "There's no wonder in it, because I have not spent all winter pitching through a hole in a wall, but I have pitched through a hole in a wall about ten inches square, and to our astonishment he hit the bull's-eye every one of five times. He then pitched a League ball as oval as an egg. This was done against a brick wall. He spied a tin cup on the floor. He says that up on a stick fifty feet away. He hit that cup every time. He pitched a ball in shape. I said to him: "You are a regular Bogardus, but there is one if not two things against you. I never can get a catcher to hold you and if you ever should hit a man, his ball would be over forever." At the latter assertion he became very indignant. He said: "I hit a man, and as accurate as I have ever been, I can get a ball nine times out of ten over the centre of a target, and a player gets hit it is because he wants to." I told him that his inclinations would not run that way. I engaged him and he pitched for me. He pitched for the National agreement papers at signed.

TED SULLIVAN.

THE STRIKE NO GO.

One of the best proofs that the strike is in no manner interfering with the prosperity of Omaha and Omahans are the daily demands for property and sales of the same attended to by C. E. Mayne, S. W. Cor. 15th and Farnam. Persons who intend to purchase loose choice operators in the west, or who wish to purchase until the best is gone.

THE JEWISH FEAST OF PASSOVER.

On Monday evening last, throughout the world will be passed, the celebration of the Feast of Passover, ordained by Moses, nearly thirty-five centuries ago. Through all the trials, persecutions and temptations that have beset and, sometimes, overcome that phenomenal race in this long lapse of time, this observance has ever held its place among them and, perhaps, more than any other festival in their calendar has contributed to their preservation and denominational identity as well as the perpetuation of the glorious history of that people.

Considered simply from the point of view of historical interest, there is something almost sublime in the unwavering faith and constancy with which the Jews have commemorated the rise and fall of empires who were instrumental to blight the vigor and ardency of the Hebrew's devotion to the God of the universe.

It is to the people who have seen the extinction of old races and the birth of new races, silent and observant witnesses of their god in the unravelling of the destinies of the world. They have, amid trials and oppressions, maintained their faith and changes that no other race has been permitted to see, stood firmly and boldly before the world as the living testimony of the existence of providence.

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WHERE THE MONEY COMES FROM.

How Licenses Are Collected by the City—Who Are Taxed.

Quite an item in the city's cash account is the money collected for licenses. This branch of work is entirely in the hands of City Officer Turnbull, who keeps a strict account of the number and kind of licenses issued, to whom they are given, etc., and attends to the collecting of the money therefor. He is vigilant and keen-eyed, and vove to the individual or corporation who tries to evade the license laws if Mr. T. discovers it. Following are some of the items on his ledger:

There are 200 hackmen and expressmen who pay a license of \$10 a year. There are ten plumbers and drain layers contributing a similar amount. The fruit or notion peddlers are thirty in number. Each pays a license of \$30 a year. Of fruit and notion vendors there are twenty-five in the city. The license for them is \$5 a month. Ten pawn brokers pay a license of \$100 a year apiece. The various hotels of the city support ten "runners." Each one of these supports a number of individuals who hunt the B. & M. and U. P. depots, is required to pay \$30 a year into the municipal treasury. Amusements, too, are well taxed. The two theatres here pay \$100 a year apiece. This includes the privilege of putting up bill boards in different parts of the city. There are two shooting galleries in the city, and each one pays \$100 a year. The two theatres here pay \$100 a year apiece. This includes the privilege of putting up bill boards in different parts of the city. There are two shooting galleries in the city, and each one pays \$100 a year. The two theatres here pay \$100 a year apiece. This includes the privilege of putting up bill boards in different parts of the city.

ANOTHER NEW STREET.

A street is being opened through the east side of Redick's Grove from Leavenworth to Farnam. This is the only street running straight through between these two streets and it is believed the street car company will run the line on Farnam to that point and cross over to Leavenworth. The lots on this street are very desirable, and any one buying now is sure to make a handsome profit this summer. We understand that the property on this street is owned by C. E. Mayne, the live real estate agent.

HE COVERED HIS HEAD.

Patrick Brennan, a young man 20 years old, living at the corner of Seventeenth and Marey streets, was taken to the county jail Saturday on a charge of insanity. The complaint was made by his father, who states that while his son is not at all times violent, his condition is such that he is a danger to himself and others. He can be obtained while at home. When the officers went to arrest him Saturday they found him in bed. When he saw them he covered his head with the bed clothes, thinking thus to escape their notice.

SHOWING REAL ESTATE.

The demand for real estate in this city impels Mr. C. E. Mayne to keep in his employ nice salesmen with homes and suggestions. He is therefore enabled to show property in all parts of the city without any expense to those who intend to make purchases.

THE BUILDING BOOM.

The number of residences now in course of erection in Omaha is greater than ever before. They are of all sizes, and scattered in every conceivable part of the city. Many of the lots which are now being improved in this manner were sold from the city at \$10,000, and on the east side of the city Mr. Mayne, 15th and Farnam, is especially successful in selling other lots in the same manner.

DANCE AT GILMORE.

Saturday night four young fellows, two married ladies and a Benedict took the Missouri Pacific train for Gilmore, in answer to invitations to a real country dance. They took for liquid refreshments a keg of beer, which was put in the baggage car. After arriving at the place the keg was put in a box car for safe keeping and the four young men went to the house that was, for that evening, to be a dancing academy. They had been told that at least five nice young ladies would be present, and were astonished to find only a married lady and a "girl" of probably thirty summers. Tough. However, they made up their minds to make the most of the bargain, and after sitting awhile and talking with the ladies and several country gentlemen on the weather, crops, etc., they decided to take a drink at least at the bar. On getting to the box car they found—oh, horrors! the keg was not there. An extended but futile search was made of everything around. No beer was to be found. It was hidden so completely that they concluded some country wag had taken it. By this time they were all completely disgusted, and one of them declared that, instead of staying in the house to wait for the keg to come from the country and see what it looked like, the ladies of the party were as completely disgusted as anyone, and had a train being coming back to Omaha everyone would have to go. But the best train left there at a little after 4 p. m., and they all knew it. After praying (a short while the young men adjourned to the hotel, waiting room and sat there by the fire till the train came. They were each and everyone of the guests present that the people who had gotten the party up were the thieves. That may, they think, be a good idea, but it is not a very pleasant one to make room for the new members who are coming in. This will make four splendid four-oared shells in possession of the club, besides a number of pleasure boats and single sculls. It was also decided to hold a small home regatta on Cut-off lake, May 30, (Decoration day.) Four new members were received and the meeting closed.

SPORTING TIPS.

The boat club held a meeting Friday and among other things decided to order two new four-oared shells, and an extra pleasure boat to make room for the new members who are coming in. This will make four splendid four-oared shells in possession of the club, besides a number of pleasure boats and single sculls. It was also decided to hold a small home regatta on Cut-off lake, May 30, (Decoration day.) Four new members were received and the meeting closed.

WANTED TO EXCHANGE FOR STOCK OF HARDWARE AND GENERAL MERCHANDISE.

Wanted to exchange for stock of hardware and general merchandise, 500 acres of fine Thayer county (Nebr.) land, five lots in Genoa (Nebr.); good store building (best corner) good dwelling (best location) in Essex (Iowa); also eighty acres one-half mile from town of Essex (Iowa), seeded in blue grass. For further particulars, address John Linderholm, Central City, Nebraska.

EVERY AMERICAN INDIAN COSTS THE UNITED STATES GOVERNMENT \$100 A YEAR.

Every American Indian costs the United States government \$100 a year, estimating the Indian population at 200,000 and the appropriation at \$7,000,000.

AN AESTHETIC YOUNG LAWYER OF ALBANY ANTI-SHOCKED THE ATTACHES OF THE COUNTY CLERK'S OFFICE THE OTHER DAY BY PRESENTING FOR RECORD A LEGAL PAPER DIGNITY PERFORMED.

The Hoffman house, New York, is about getting out a catalogue that will cost \$30,000. The ink used cost \$30 a pound. The catalogue will contain sixty-eight pages.

YALE PROFESSORS SAY THAT ABOUT MAY 15 FABRY'S COMET WILL BE ONLY 15,000,000 MILES FROM THE EARTH.

Yale professors say that about May 15 Fabry's comet will be only 15,000,000 miles from the earth. It will be visible to the naked eye.

BOSTON EXPECTS TO EXPEND \$15,000,000 FOR NEW BUILDINGS THIS YEAR.

Boston expects to expend \$15,000,000 for new buildings this year. The boom is greater than at any time since 1874.

GERMANY HAS EIGHT SCHOOLS OF FORESTRY.

Germany has eight schools of forestry, where five years' training is required of those who seek positions under the government.

BEATRICE, NEBRASKA.

THE LEADING ASSOCIATION OF THE WEST. CASH CAPITAL, PAID UP IN FULL, \$100,000.00. GROSS ASSETS, DECEMBER 31st, 1885, 150,826.30.

THE STRENGTH OF THIS ASSOCIATION CONSISTS OF.

GUARANTEE FUND, RESERVE FUND, GRADED RATES, SELECTED RISKS, TONTINE SYSTEM, LIFE PLAN.

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Western Mutual Benevolent Association. BEATRICE, NEBRASKA. THE LEADING ASSOCIATION OF THE WEST.

CASH CAPITAL, PAID UP IN FULL, \$100,000.00. GROSS ASSETS, DECEMBER 31st, 1885, 150,826.30.

A certificate of membership in this Association furnishes benefit at the lowest cost.

Men and women, between the ages of 17 and 65 years, who are in good health, may become members.

There is no changing from one class to another, and assessments do not increase with advancing age.

The company has a guarantee fund of \$100,000 paid up in cash, which is an additional security to that furnished by any company in the United States.

It has a Reserve fund which provides for a non-forfeiting policy and a paid-up policy.

The company is located in the West; its business is confined to the healthy West, and applications from persons residing in malarial districts are not accepted, which will insure few assessments, and a consequent exemption from any onerous liability.

A local Advisory Board, composed of not less than five leading citizens of each vicinity, may be formed, who may act as advisory counsel